

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 76 OF 2005

SMT.BERNEDINA BARETTO,

....Appellant

Versus

DR.SAMIRO MASCARENHAS AND ANR.,

....Respondents

Shri Zeller De Souza, Advocate for the appellant.

Coram:- R. M. LODHA, J.

Date:- 19th October, 2005

P.C.

Heard Mr. Zeller De Souza, the learned Counsel for the appellant.

I perused the Judgment of the Appeal Court and so also the Judgment of the Trial Court.

The findings recorded by the Courts below are concluded on facts. Neither the pleadings nor the evidence on record establishes that the plaintiff was using the subject-way as of right for over 20 years.

Dismissal of the suit does not suffer from any legal infirmity. No substantial question of law arises.

Second appeal is dismissed in limine.

R. M. LODHA, J.

ssm.